

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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ANITA ARRINGTON-BEY, etc.,)	
Plaintiffs,)	
)	
v.)	Case No. 1:14CV02514
)	Judge Patricia A. Gaughan
CITY OF BEDFORD HEIGHTS,)	
et al.,)	
Defendants.)	

- - -

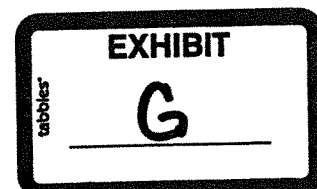
THE DEPOSITION OF OFFICER TIM HONSAKER
WEDNESDAY, APRIL 15, 2015

- - -

The deposition of OFFICER TIM HONSAKER, a witness, taken as if upon cross-examination by the Plaintiffs, under the Federal Rules of Civil Procedure, taken before me, Janet M. Hoffmaster, Registered Professional Reporter and Notary Public in and for the State of Ohio, pursuant to Notice, at the offices of Friedman & Gilbert, 55 Public Square, Suite 1055, Cleveland, Ohio commencing at 1:45 p.m., the day and date above set forth.

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1 report. Is that correct?

2 **A. Yes. This is the incident report from the**
3 **incident at Lowe's.**

4 Q. At Lowe's. Okay.

5 **A. Correct.**

6 Q. And did you prepare this report?

7 **A. Yes, I did.**

8 Q. And if you look at the top there's a time of
9 receiving at 9:27:41.

10 **A. Correct.**

11 Q. Where is that taken from?

12 **A. That would be a time that's added into what we**
13 **call a CR card, a dispatcher-generated run call, run**
14 **card, run sheet, if you want to call it that. Some**
15 **people call it a run sheet.**

16 So that would have been initially when the call
17 was received, probably from Lowe's, and then it would
18 have been dispatched to the officers who responded at
19 9:29.

20 Q. Where were you when the dispatch came in?

21 **A. Specifically I don't remember.**

22 You mean in the city?

23 Q. In the city.

24 **A. I was on patrol in the city. I don't**
25 **specifically remember where I was at.**

1 know, 9:29:01, and it says time arrived at 9:29:15.

2 I mean that would lead you to believe I was
3 already sitting in the parking lot, so that's what's
4 kind of weird about that time.

5 Q. So it's around 9:30 or so?

6 A. Yeah, about 9:30 in the morning.

7 Q. And time cleared, 10:19:51.

8 A. Correct.

9 Q. That's pretty specific.

10 A. Correct.

11 Q. What time does that involve?

12 A. Time cleared?

13 Q. M-hm.

14 A. Let's see if we have incident occurred to.

15 Incident occurred to still says 9:30.

16 I'm not sure why it says that, but the time
17 cleared generally in the majority of the reports would
18 be the time that if I was the reporting officer, and
19 several officers can be assigned to a call, but there's
20 usually only one reporting officer.

21 If I'm the reporting officer, time cleared on my
22 reports is when I actually cleared the scene.

23 Q. Not if it's an arrest, not when you get to the
24 station.

25 A. You know what, it will vary, because there's

1 sometimes that I'll call in, you know, I call in, okay,
2 I'm leaving Lowe's and I'm en route with the prisoner.
3 I'm on a 19 to the jail.

4 And, you know, if I don't do that, usually I
5 always tell the jail I'm en route, but I might put a
6 cleared time down when they were delivered to the jail.
7 It varies. I don't have any real set 100 percent way
8 that I do it all the time.

9 Q. Would you say approximately you were probably at
10 the scene for about 40 minutes, 45 minutes.

11 A. Honestly, I don't know.

12 Q. Sometime between 9:30 and --

13 A. And 10:19, yeah.

14 Q. Okay.

15 A. Yeah, if we're using those times for the
16 parameters.

17 Q. And let's go further down here.

18 It says property DVD. Do you know what that
19 was?

20 A. Property, on this same page? Hang on a minute.

21 Q. In the box next to his name.

22 A. That probably was in the evidence part of my
23 report, that there would have been a security camera
24 DVD from Lowe's, because I believe the incident was
25 captured on tape at Lowe's on their security system.

1 A. We received a dispatch call to myself and
2 whoever my backup officers would have been. I believe
3 myself and Officer Ellis were probably the two officers
4 assigned.

5 But any time we have any kind of calls where,
6 you know, there might be some type of problems or fight
7 or violence going on, a lot of times other officers
8 will show up just in case they're needed.

9 We received a dispatch call of a disturbance
10 inside Lowe's, inside the store at Lowe's. While we
11 were in route to Lowe's we were getting ongoing
12 information, updated information about the description
13 of the suspect.

14 Q. Okay. And what was that? What do you remember
15 about that description?

16 A. Clothing description. All we were getting was
17 black male with clothing. Would have been -- the
18 initial description was tan coat; black male, tan coat,
19 from what I can remember.

20 Q. Okay. Was there anything beyond the word
21 disturbance inside Lowe's, any more information about
22 what he was doing in that dispatch?

23 A. I don't remember specific wording. I believe it
24 came across as tearing up the store, something of that
25 nature; that there was some type of, you know, incident

1 or something going on inside Lowe's with this person.

2 Q. Just to refresh your recollection, why don't you
3 go to that page.

4 A. What page?

5 Q. 17 again, your report.

6 A. If you like, I can just read it, but I don't
7 think you want me --

8 Q. Yeah, I just want to clarify the record. If you
9 look at the first page, there's a little bit more
10 information over the radio concerning this disturbance.
11 He was identified as an employee. Correct?

12 A. Okay. See, here's where there's a gray area,
13 okay, because over the radio, I don't recall if he was
14 described as an employee.

15 I write the report after the incident is over,
16 okay, and I write the report with the information that
17 I have when the incident is over. I'm not writing this
18 report as I go along. I'm handling the call first.

19 So that could have been subsequent information
20 that I was given after, after the fact.

21 Q. Fair enough.

22 A. What I remember, just a description, black male,
23 tan jacket.

24 Q. As I read this, it says, "responded to a radio
25 assignment of an employee who had just been fired from

1 Lowe's and he was out of control and damaging
2 property."

3 So you can understand why I would ask you --

4 **A. Yes, of course.**

5 Q. Because it seems to me that this is what the
6 radio assignment said.

7 **A. M-hm. And ultimately that would have been the**
8 **radio assignment, once I had all the information. But**
9 **when you're arriving on a call, we might not have all**
10 **that information.**

11 As I stated, I was getting ongoing -- case in
12 point, ongoing description of the male was black male;
13 now he's walking through the parking lot wearing a tan
14 jacket; now he took off the jacket, he's wearing a red
15 shirt; now he's stripping off the red shirt and he's in
16 a white tank top.

17 It was ongoing information.

18 Q. So you arrived at Lowe's. Where did you park?

19 **A. I believe from my report I parked near the**
20 **construction dock. It's an overhang, it's a**
21 **construction area where trucks come to pick up**
22 **materials, you know, you pull under there to pick up**
23 **your materials.**

24 Q. Then you look at your report, it says, "first he
25 was in a beige jacket, then a red shirt, then he took

1 the shirt off and just a white -- and was in just a
2 white tank shirt."

3 Did that sound unusual to you that he was
4 stripping off his clothing?

5 A. No.

6 Q. No? Why? Why do you laugh?

7 A. Why? Because a lot of times when we get calls
8 and we have suspect information, especially if we are
9 lucky enough to have somebody that stays on the line
10 with us, suspects will try to conceal their identity by
11 changing clothes.

12 Q. When you arrived did you see him in the parking
13 lot?

14 A. I believe when I was pulling into the parking
15 lot the first person I saw was somebody by the
16 construction bay, you know, where I parked.

17 I could see that they were talking on a cell
18 phone. I think that was the, whoever the employee was
19 that was giving information to our dispatcher.

20 Q. The first person you saw was an employee?

21 A. It might be in here. Give me a second.

22 Yeah, employee met me in the parking lot. That
23 would have been the first person I would have seen.

24 Q. The sentence before says, "He was -- he was now
25 outside the store in the parking lot removing

1 clothing --"

2 **A. Correct.**

3 Q. "-- to go change his appearance."

4 It sounds to me like that's what you saw.

5 **A. No. That's what was relayed to me and my**
6 **assumption would have been, like I said, based on past**
7 **practice of suspects, that he was trying to change his**
8 **appearance by removing clothing.**

9 Q. So you didn't see him outside the store removing
10 his clothing. Correct?

11 **A. No. I don't -- no. No. I never saw the**
12 **suspect outside the store.**

13 Q. And you don't say that somebody else told you
14 that he did that, do you?

15 **A. Well, this was information that was being**
16 **relayed to us by the dispatcher.**

17 Did I put that in there that the dispatcher was
18 giving us ongoing, no.

19 Q. You didn't see the suspect removing clothing.

20 **A. No.**

21 Q. You did see the employee. Correct?

22 **A. Correct.**

23 Q. Who met you.

24 **A. M-hm.**

25 Q. And he told you that the suspect had left in a

1 blue or black Mercury.

2 A. Correct.

3 Q. You did not see the blue or black Mercury in the
4 parking lot.

5 A. I didn't see it in the parking lot. If you read
6 farther through my report, I saw a vehicle that fit the
7 description that I was being given.

8 Here's how things kind of work, they don't
9 always work in chronological order like --

10 Q. You know what, here's what I'm going to ask you.

11 A. Sure.

12 Q. Just let's sit here and talk and you tell me
13 what happened.

14 A. Okay. When I pulled into the parking lot, we
15 were obviously -- you know the call that we were on.

16 Q. Okay.

17 A. Okay? So when I pulled into the parking lot,
18 and obviously any time we go on these kind of calls,
19 we're always looking for vehicles leaving, because
20 suspect people try to flee the area when they're
21 involved in something illegal.

22 So when I was pulling into the parking lot I
23 observed a dark-color vehicle, blue or black vehicle,
24 leaving the parking lot at the same time I was pulling
25 into the parking lot. Okay?

1 When I got over to the employee who was on the
2 cell phone, all right, he had told me that the suspect,
3 and I don't remember if I got the name at that point, I
4 can't remember when I got his name, you know, who we
5 were dealing with, but that the suspect had left in a
6 blue or black Mercury.

7 And I say blue or black because I couldn't
8 remember the color the gentleman told me, the employee
9 told me. He may have said blue, he may have said
10 black. I don't recall, so I just put both of them in
11 there, blue or black.

12 I do recall seeing that vehicle leaving, pulling
13 out of the parking lot as I was pulling in. So I
14 immediately spun around in the parking lot and I
15 started heading back to the driveway and I saw the blue
16 or black vehicle exiting onto Miles Road, would have
17 been eastbound on Miles Road.

18 Q. Can I stop you right there for a minute?

19 A. M-hm.

20 Q. Did the employee identify himself to you?

21 A. I do not remember if he identified himself to
22 me. I can't tell you for sure. I don't know.

23 Q. Okay. And did he tell you what the man did
24 inside Lowe's at that time?

25 A. No. I don't believe -- I didn't take that kind

1 there?

2 **A. No. Not that I recall -- no. I don't think so.**

3 Q. So where did you pull the vehicle over?

4 **A. Miles Road, right outside of -- the driveway**
5 **from Lowe's opens up into Miles. The vehicle pulled**
6 **out, was going eastbound on Miles. When I spun around**
7 **and came out the driveway I could still see the**
8 **vehicle, had just left the driveway and was eastbound**
9 **on Miles Road.**

10 Q. So was still pretty close to Lowe's?

11 **A. Yes. Still in the immediate area, correct.**

12 Q. And that would be going east.

13 **A. Correct.**

14 Q. Did you pull behind the vehicle?

15 **A. Yes.**

16 Q. Did you put your lights on?

17 **A. Yes.**

18 Q. And what did you do then?

19 **A. I pulled behind the vehicle, turned my lights**
20 **on. I was joined by a second officer, Officer Ellis.**
21 **I can't remember if he pulled in front of the vehicle**
22 **or pulled behind me. I don't remember his vehicle's**
23 **position, and we both approached the car on the**
24 **passenger side.**

25 Q. Why did you go to the passenger side?

1 A. I didn't want to be in the middle of the street.

2 Q. When you make a traffic stop, do you normally go
3 to the passenger side?

4 A. Depends on the traffic conditions, if traffic is
5 heavy or if I feel the need, yes, I will approach the
6 vehicle from the passenger side on occasion. Normally,
7 no. Normally I approach from the driver's side.

8 Q. What did you see when you got there to the
9 passenger side?

10 A. There was a black male in the passenger seat
11 kind of slouched down, kind of slumped down in the
12 seat.

13 Q. And anybody else in there?

14 A. Yes, there was a female driver, black female
15 driver.

16 Q. Tell me what happened next. Did you talk to any
17 of them?

18 A. The male that was in the vehicle fit the
19 description that we had of a black male in a white tank
20 top, because that's basically all we had at the time
21 was a black male in a white tank top, was in the
22 passenger side of the vehicle.

23 So I made the assumption, called him by name,
24 you know. I can't remember when I got the first name,
25 though, because I only had a first name.

1 Q. And is that because you found out about the name
2 later or you knew about it before?

3 A. I don't recall. I think I had the name because
4 I believe I referred to him by first name to see how
5 the male would respond.

6 Q. And so when you went up to the passenger side of
7 the car, what did you say?

8 A. Conversation was we -- I referred to him by name
9 and spoke to him. And he denied that he was who he
10 said -- you know, who he was. He said he wasn't Omar,
11 that the guy we were looking for was wearing a red
12 shirt.

13 I let him know that we had gotten this clothing
14 description, that the gentleman wearing the red shirt
15 was now wearing a white tank top, which he obviously is
16 now wearing --

17 Q. Okay.

18 A. -- in the passenger side of the vehicle, and
19 that the suspect also left in a blue or black Mercury,
20 which I had stopped.

21 Q. What else?

22 I just want you to talk about, not your
23 analysis, but just what the conversation was.

24 A. I would have explained to him why I was talking
25 to him and why I had stopped their vehicle, because he

1 fit the description of a suspect, because obviously I
2 hadn't positively ID'd him at the time yet so I can't
3 say he's the suspect. But I can say he fit the
4 description of the suspect and that the vehicle he's
5 riding in fits the description of the vehicle I was
6 given, the information I was given.

7 Q. Then what happened next?

8 A. I believe after a couple times of asking him who
9 he was, Maurice, I believe, finally asked him to step
10 outside of the car. I don't recall if I asked him to
11 step out, I think Maurice asked him to step out of the
12 car.

13 And when he stepped out of the car, we faced him
14 towards the car, we placed handcuffs on him, told him
15 that he was being detained for an incident that
16 happened inside of Lowe's until we had further
17 information, and then we patted him down.

18 Q. And what happened next?

19 A. After he was patted down, there was few little
20 pieces of property in his pockets, and I believe some
21 we sent with his mother, some he retained, kept with
22 him, and then we took him and placed him in the back of
23 my unit, 1411.

24 Q. Did you have any conversation with his mother
25 while you were at the side of the car?

1 Q. So you're relying on them to find that out.
2 Right?

3 A. No. What I said was I don't recall if I told
4 them about the medication. I didn't say I didn't tell
5 them. You're assuming I didn't tell them. I said I
6 don't recall if I specifically told them. There's a
7 difference.

8 Q. Well, you can only speak to what you can
9 remember.

10 A. And I wouldn't put that in my report. My report
11 isn't about me delivering him to the jail, my report
12 ends when I deliver him to the jail.

13 Q. Did you ever find out that he actually did have
14 a psychiatric condition?

15 A. Did I ever --

16 Q. Ever find out after the fact, after his death.

17 A. From who?

18 Q. From anybody.

19 A. No. I did not find out if he had a psychiatric
20 condition or not.

21 Q. No one told you that. Correct?

22 A. No.

23 Q. It says here that, "His mother confirmed that he
24 does take medication for a psychiatric condition."
25 See that there?

1 **A. That was later on. I didn't get a chance --**

2 **Q. I'm not asking you when it was.**

3 **A. Okay.**

4 **Q. I'm asking you right now if that's in your**
5 **report.**

6 **A. Yes, it's in my report.**

7 **Q. And did you talk to the mother, did she tell you**
8 **that he was taking medication for a psychiatric**
9 **condition?**

10 **A. I asked the mother if he was taking any**
11 **medications for a psychiatric condition, and she**
12 **said --**

13 **Q. Why did you ask her that?**

14 **A. Because of how angry and how upset he was in my**
15 **car, and how he was non stop just nervous talking the**
16 **whole time, and based on the fact that he was cussing**
17 **and swearing he didn't want his mother in the parking**
18 **lot. I wasn't even aware she had pulled back into the**
19 **parking lot, but he was.**

20 **Q. All right. So you had a conversation with the**
21 **mother. Correct?**

22 **A. Brief conversation. I asked her to leave the**
23 **parking lot because he said she was agitating him even**
24 **more by being there, that he was not going to get back**
25 **into the -- he was cussing and swearing, but I don't**

1 need to be specific, unless you want me to.

2 That he does not want her there, he's not going
3 to get back in the car with her, he's not going to go
4 anywhere with her because he felt that it was partially
5 her fault that he was in my car in the first place
6 because she didn't get out of there in time and didn't
7 go the right direction.

8 So to get him to calm down, because he was
9 yelling and screaming and cussing about her being
10 there, I went over and had a brief conversation with
11 her. I asked her if he takes any kind of medication,
12 psychiatric medication. She said that he does.

13 Q. So now you have not only Omar who is acting up
14 in your car and talking crazy and all that, you have
15 the mother confirming that he -- and he told you he was
16 on psychiatric medication but hadn't been taking it.
17 Correct?

18 A. Yes. She's the one who told me he hadn't been
19 taking it.

20 Q. She's the one who told you that?

21 A. Yeah.

22 Q. But she confirmed he had a psychiatric
23 condition. Correct?

24 A. That he took medication, yes.

25 Q. For a psychiatric condition.

1 **A. Yes.**

2 Q. So did you put two and two together and think
3 that he might have a psychiatric problem, based on what
4 you saw?

5 **A. Sure, based on his actions that he may have had**
6 **a problem, sure.**

7 Q. Okay. And the rest of your report is just
8 relating to what happened in the store, is that right,
9 if you want look at it, the damage to the store.

10 **A. Yeah, information we would have received after**
11 **Officer Ellis went and spoke with the people inside the**
12 **store.**

13 Q. Can you tell me from your memory what kind of
14 behavior you observed from the time you first encounter
15 him to the time you left Lowe's that was indicative of
16 some mental health issues?

17 **A. I can tell you just his behavior as just**
18 **nervous, non stop talking, but I have had other**
19 **suspects do that that don't have mental issue, they're**
20 **just nervous that they're in handcuffs in the back of a**
21 **police car and they just talk non stop.**

22 Q. You had been given some basis to believe that it
23 could be related --

24 **A. Yes.**

25 Q. -- because of the information about the

1 medicine.

2 **A. Yes, could be, m-hm.**

3 Q. If you have somebody who might be mentally ill
4 in an arrest situation in the field, is there a
5 protocol as to when, if at all, you take them to a
6 psychiatric hospital?

7 **A. The only protocol, I guess, which would be just
8 a standard, is if that person indicates to, I won't say
9 to us, to me, us as officers, but me specifically, if
10 they indicate to us that they're going to do some type
11 of harm or danger to themselves or others.**

12 Q. Otherwise you expect that the jail will deal
13 with the medical and mental health situation as they
14 see fit.

15 **A. Well, I expect, I guess, that when the jail does
16 their booking procedure they will find out more
17 specifics as to what the person's needs are. And they
18 have nursing staff, I mean they have staff that can
19 assess those things better than me.**

20 Q. Let me ask you this, I know you don't remember
21 whether you told them or not at the jail when you
22 bought him in, and I understand you say that.

23 Is there -- do you feel there's a duty on an
24 officer's part, given the situation that we have here,
25 to inform the jail staff of what you knew from your

1 never left your vehicle while he was in there, did you?

2 **A. I left my vehicle long enough to go talk to his**
3 **mother.**

4 Q. You got out of the car and you went to talk to
5 his mother briefly.

6 **A. Yeah, less than a minute.**

7 Q. Did she then leave?

8 **A. Yes.**

9 Q. Do you recall if she told you that he had
10 suffered from bipolar disorder? Do you remember that?

11 **A. No.**

12 Q. You don't remember one way or the other, do you?

13 **A. That she told me he suffered from --**

14 Q. Yes.

15 **A. No, I don't remember.**

16 Q. Okay. So give me some specifics regarding how
17 he was behaving in your vehicle.

18 **A. Again, very talkative, non stop talking; would**
19 **get angry if I would interject or ask him a question or**
20 **even make a response to something he had said.**

21 Was talking about, wow, give me a minute to
22 think here, internet businesses he was involved in
23 where he makes all kinds of money.

24 I remember him making some kind of comment about
25 a million dollar cell phone, something about -- I do

1 Q. Okay?

2 **A. Okay.**

3 MR. PINZONE: So he's asking
4 you, just so you understand, he's asking
5 you whether you recall giving these
6 statements and this information during
7 your interview.

8 THE WITNESS: Okay. That
9 clarifies it.

10 **A. Yes.**

11 Q. All right.

12 **A. Once I reviewed it, that refreshed my memory,**
13 **and now you're going over it again with me.**

14 Q. Right.

15 You obviously remember telling the BCI about the
16 constant talking. Right?

17 **A. Yes, m-hm. That's one thing I do remember.**

18 Q. And that you remembered telling BCI that the
19 talking was incoherent, rambling, everything you can
20 think of.

21 **A. Yes. Just all different various subjects, yes.**

22 Q. About the father being the son of the devil.
23 You remember that?

24 **A. Yes.**

25 Q. Something about inventing some kind of marijuana

1 that added some kind of chemical to a Kush or something
2 like that.

3 **A. Yes.**

4 Q. And you also told him that you don't remember --
5 that your audio in the car was not working.

6 **A. Correct.**

7 Q. In the patrol car.

8 **A. Correct.**

9 Q. And he was telling you about an injury to his
10 foot or ankle when he was three years old. Remember
11 that?

12 **A. Correct.**

13 Q. And that his tutor ran over him in her car after
14 she smoked this stuff laced -- marijuana laced.

15 **A. Correct.**

16 Q. And do you remember telling BCI about how Omar's
17 telling you he's a thug?

18 **A. Yes.**

19 Q. And that he invented the thugs?

20 **A. Yes.**

21 Q. Do you remember telling BCI Omar indicating that
22 he -- that there's six different ways to look him up on
23 the internet?

24 **A. Correct.**

25 Q. Something about looking me up as 310, look me up

1 A. Yes.

2 Q. Tell me about that.

3 A. Again, from reading that, I remember him coming
4 up to the car and he was asking if -- if the person we
5 were looking for had had a gun or something.

6 And he didn't realize that that person was in
7 the back seat of my car. He didn't know that the
8 suspect that he was referring to was in the back seat
9 of the car.

10 So as soon as he come up to the car and
11 mentioned something about a gun, Omar just started kind
12 of going off on the guy, cussing and swearing at him.

13 Q. But he didn't have a gun.

14 A. No. No.

15 Q. And so he started MFing the guy. Right?

16 A. Yes.

17 Q. You white mother fucker, get the fuck out of
18 here, that kind of stuff,

19 A. Yes.

20 Q. That's what you told BCI.

21 A. Yes.

22 Q. So that set him off, right, a little bit.

23 A. Yeah. As much as his mother staying in the
24 parking lot until she left.

25 Q. Was he talking about a ride at Cedar Point, the

1 hour, 45 minutes later.

2 A. Correct.

3 Q. And what was the reason for doing that?

4 A. He was agitated in his cell, he was kicking the
5 door, yelling, screaming, hollering, so we were called
6 back there for assistance. And when we approached the
7 cell --

8 Q. Who's we, by the way?

9 A. It was myself, Assistant Chief Leonardi, and
10 Sergeant Chow.

11 He was hollering, screaming, banging on the
12 door, you know, banging on the walls. And when we went
13 back there to find out what the problem was, he said he
14 had to take a piss.

15 And there's no bathroom in the holding room, in
16 the holding cell he was in. The interview room he was
17 in had no bathroom, but he had to take a piss and he
18 needed out to go to the bathroom.

19 Q. And was there some talk about that he had to
20 take a piss 30 minutes ago?

21 A. Yes. That he had let them know 30 minutes ago.

22 Q. And did you ask them if he actually had called
23 them?

24 A. Yes. If he had called and requested, yeah, to
25 go to the bathroom.

1 Q. There's a button?

2 A. Yeah, there's a squawk box, whatever you want --
3 like an intercom in that room.

4 Q. Did you see him with a plastic cup in his hand
5 banging on the button?

6 A. Yes, I did.

7 Q. While you were present?

8 A. Yes.

9 Q. Apparently you said that he started banging the
10 hell out of the button with this cup.

11 A. Correct.

12 Q. Repeatedly he was hitting the cup?

13 A. Yeah, just hitting the cup against the button.

14 Q. So then was he taken out of his cell?

15 A. Yes.

16 Q. It was unlocked and he was taken out.

17 A. It was unlocked, he was taken out and walked
18 right across the hallway to a, I guess it's a holding
19 cell but it has a bathroom in it.

20 Q. And what kind of things was he saying at that
21 point?

22 A. When he walked up in front of the urinal, he
23 unzipped his pants, and I stood right in the doorway of
24 the cell. And the other officers were standing just
25 outside the doorway.

1 And he unzipped his pants, was facing the urinal
2 and turned and looked at me like aggravated, was I
3 going to watch him. I says, yes, I am going to stand
4 right here until you're done going to the bathroom.

5 And then he just started making kind of taunting
6 comments, you know, shaking his penis and stuff at me
7 going if you want to hold it, you can come over and
8 hold it for me, you know, just comments about, you
9 know, me watching him.

10 And I continued to tell him just basic a
11 countdown, you know, you have three minutes to take a
12 piss, now you have two and a half minutes, when he
13 wasn't going to the bathroom and continued making
14 comments and kind of shaking his penis at me.

15 And I said, okay, now you have two minutes,
16 until he finally went to the bathroom.

17 Q. And you were with Leonardi at that point.

18 A. Yes.

19 Q. Was there any talk between you and Leonardi that
20 indicated that somebody should be called to check him
21 out for mental health problems?

22 A. I don't recall.

23 Q. Do you remember saying to BCI when you were in
24 the doorway of the bathroom there was a point in time
25 he was normal for a few seconds when he walked back

1 through the door, something like that.

2 A. Normal, nice, that he wasn't agitated, yelling,
3 screaming, making derogatory comments, yes, and thanked
4 me that he got to go to the bathroom.

5 Q. So that was the last time you saw him?

6 A. We walked him back over into the -- again, it's
7 right across the hallway, right back into the interview
8 room that he was in and locked the door, yes, then I
9 left the jail.

10 Q. Did you see any COs when you came back a half
11 hour, 45 minutes later in the vicinity of where he was?

12 A. I don't remember. I mean they would have had to
13 let us in, but I don't remember if she or he was
14 standing right there with us when we escorted him out
15 of the interview room into the bathroom.

16 Q. Going back a bit, because I'm following the
17 notes here, when you were with him back at Lowe's, did
18 he talk about anything that happened at Lowe's?

19 A. We did have a brief conversation, I don't know
20 if I started it or he did, that the reason he was there
21 and part of the reason why he was upset was because he
22 had been fired for allegedly a no call, no show.

23 Q. When he was kicking the door of the interview
24 room, specifically around that time, what was he
25 saying?